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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 ROBERT SMITH, JR.,) CASE NO.: C07-0166-RSL-MAT
09)
Petitioner,)
10)
v.) ORDER DENYING PETITIONER'S
11) MOTION FOR RECONSIDERATION
BELINDA STEWART,)
12)
Respondent.)
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14 Petitioner is a Washington state prisoner who is challenging a decision by the
15 Indeterminate Sentence Review Board denying petitioner parole in 2005. The Court previously
16 denied petitioner's motion for appointment of counsel. (Dkt. No. 17). Petitioner has filed a
17 motion for reconsideration of the Order denying his motion for appointment of counsel. (Dkt. No.
18 22). Having reviewed petitioner's motion for reconsideration and the balance of the record, the
19 Court does hereby ORDER as follows:

20 (1) The Court denied petitioner's motion for appointment of counsel on August 26,
21 2008. (Dkt. No. 17). Motions for reconsideration must be filed within 10 days of the Order
22 being challenged. *See* Local Rule CR 7(h)(2). Although petitioner's motion for reconsideration

01 was not received by the Court until September 25, 2008, it appears to be timely because it was
02 signed by petitioner on September 5, 2008. *See Houston v. Lack*, 487 U.S. 266, 270 (1988)
03 (holding that under the “prison mailbox rule,” a document submitted by a prisoner is deemed to
04 be filed the day the document is delivered to prison authorities for mailing to the Court.).

05 (2) Motions for reconsideration are disfavored and will be denied unless the movant
06 shows “manifest error” in the ruling being challenged or shows “new facts or legal authority which
07 could not have been brought to [the Court’s] attention earlier with reasonable diligence.” Local
08 Rule CR 7(h)(1). Here, petitioner shows neither manifest error in the prior ruling nor does he
09 produce new facts or legal authority that would alter the Court’s previous decision not to appoint
10 counsel. Although he attaches documents to his motion and labels them as being “newly-
11 discovered,” the Court notes that these same documents were already part of the record because
12 they were attached as exhibits to his habeas petition. (Dkt. No. 18). Accordingly, petitioner fails
13 to meet the standard for granting a motion for reconsideration and his motion (Dkt. No. 22) is
14 DENIED.

15 (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for
16 respondent, and to the Honorable Robert S. Lasnik.

17 DATED this 30th day of September, 2008.

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20 Mary Alice Theiler
21 United States Magistrate Judge
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